

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONNIE SUBER,)	
BONGAI MHLOYI, and)	
JEREMIAH MHLOYI,)	
Individually, and)	
together doing)	
business as "JB'S WEB",)	
)	
Plaintiff)	Civil Action
)	No. 10-cv-03156
vs.)	
)	
JON GUINTA;)	
OFFICER KEUCH;)	
OFFICER INGEMIE;)	
OFFICER MILLER;)	
OFFICER SIMPKINS; and)	
THE CITY OF COATESVILLE,)	
)	
Defendants)	

O R D E R

NOW, this 28th day of February, 2013, upon consideration of the following documents:

- (1) Motion for Summary Judgment of Officer Robert Keuch, Officer Jeffrey J. Ingemie, Officer Shannon N. Miller, Officer Claude Simpkins, and The City of Coatesville filed November 26, 2012 (Document 32) ("Motion for Summary Judgment"), together with,
 - (A) Brief in Support of Motion for Summary Judgment of Officer Robert Keuch, Officer Jeffrey J. Ingemie, Officer Shannon N. Miller, Officer Claude Simpkins, and The City of Coatesville (Document 32-2);
 - (B) Concise Statement of Material Undisputed Facts of Defendants Keuch, Ingemie, Miller, Simpkins, and The City of Coatesville (Document 33);
 - (C) Appendix of Exhibits in Support of Defendants' Motion for Summary Judgment (Document 34);

- (D) Defendants' Exhibit A, Excerpt of Transcript of Deposition of Bongai Mhloyi taken November 7, 2011 (Document 34-1);
- (E) Defendants' Exhibit B, Coatesville Police Department Incident Investigation Report No. 20070927M2698(01) completed by defendant Officer Jeffrey Ingemie on September 27, 2007 (Document 34-2);
- (F) Defendants' Exhibit C, Coatesville Police Department Incident Investigation Report No. 20080327M3234(01) completed by Sergeant Brandon Harris on March 20, 2008 (Document 34-3);
- (G) Defendants' Exhibit D, Coatesville Police Department Incident Investigation Report No. 20080409M3844(01) completed by Detective Ryan Wright on April 9, 2008 (Document 34-4);
- (H) Defendants' Exhibit E, Excerpt of Transcript of Deposition of [Detective] Ryan Wright taken March 31, 2011 (Document 34-5);
- (I) Defendants' Exhibit F, Coatesville Police Department Incident Investigation Report No. 20080509M5182(01) completed by defendant Officer Shannon N. Miller on May 9, 2008 (Document 34-6);
- (J) Defendants' Exhibit G, Coatesville Police Department Incident Investigation Report No. 20080514M5364(01) completed by Detective Kevin Campbell on May 14, 2008, and Coatesville Police Department Incident Investigation Report No. 20080514M5370(01) completed by defendant Officer Claude Simpkins on May 14, 2008 (Document 34-7);
- (K) Defendants' Exhibit H, Coatesville Police Department Incident Investigation Report No. 20080623M7213(01) completed by Sergeant James Audette on June 21, 2008 (Document 34-8);
- (L) Defendants' Exhibit I, Coatesville Police Department Incident Investigation Report No. 20080710M8035(01) completed by Sergeant James Pinto on July 10, 2008 (Document 34-9);

- (M) Defendants' Exhibit J, Coatesville Police Department Incident Investigation Report Nos. 20080915M1111(01) and 20080915M1112(01) completed by defendant Corporal Jeffrey Ingemie on September 15, 2008 (Document 34-10);
- (N) Defendants' Exhibit K, Coatesville Police Department Incident Investigation Report No. 20080831M0306(01) completed by Sergeant James Pinto on August 31, 2008 (Document 34-11);
- (O) Defendants' Exhibit L, Coatesville Police Department Incident Investigation Report No. 20081110M3993(01) completed by defendant Officer Robert Kuech on November 10, 2008 (Document 34-12);
- (P) Defendants' Exhibit M, Index of Incidents at JB's Web Bar summarizing incidents from January 9, 2007 through August 11, 2010 (Document 34-13);
- (Q) Defendants' Exhibit N, Incident reports involving noise complaints from Mona Lisa London (Document 34-14), specifically,
 - (i) Coatesville Police Department Incident Investigation Report No. 20050820M2711(01) completed by Officer Joseph Carboni on August 20, 2005;
 - (ii) Coatesville Police Department Incident Investigation Report No. 20050910M3953(01) completed by Corporal Sean Knapp on September 10, 2005;
 - (iii) Coatesville Police Department Incident Investigation Report No. 20060118M0993(01) completed by Officer Guy Bruchstein on January 18, 2006;
 - (iv) Coatesville Police Department Incident Investigation Report

- No. 20060203M1671(01) completed by
Officer James Audette on
February 3, 2006;
- (v) Coatesville Police Department
Incident Investigation Report
No. 20060203M1670(01) completed by
Officer James Audette on February 3, 2006; and
 - (vi) Coatesville Police Department
Incident Investigation Report
No. 20060423M5661(01) completed by
Officer James Audette on April 23,
2006;
- (R) Defendants' Exhibit O, Excerpt of Transcript
of Deposition of Robert Keuch taken March 31,
2011 (Document 34-15); and
- (S) Defendants' Exhibit P, Excerpt of Transcript
of Deposition of Claude Simpkins taken March
31, 2011 (Document 34-16); and
- (2) Plaintiffs' Brief in Opposition to Defendants[']
Motion for Summary Judgment, which brief in oppo-
sition was filed January 3, 2013 (Document 41),
together with,
- (A) Plaintiff[s'] Counterstatement of Disputed
Material Facts (Document 40);
 - (B) Plaintiffs' Exhibits in Support of Their
Brief in Opposition and Counterstatement of
Disputed Material Facts (Document 40-1);
 - (C) Plaintiffs' Exhibit A, Transcript of Video-
taped Deposition of Ronnie Suber taken
November 7, 2011 (Document 40-2);
 - (D) Plaintiffs' Exhibit B, Transcript of Video-
taped Deposition of Jeremiah Mhloyi taken
November 7, 2011 (Document 40-3);
 - (E) Plaintiffs' Exhibit C, Transcript of Video-
taped Deposition of Officer Wright taken
March 31, 2011 (Document 40-4);

- (F) Plaintiffs' Exhibit D, Transcript of Video-taped Deposition of Bongai Mhloyi taken November 7, 2011 (Document 40-5);
- (G) Plaintiffs' Exhibit E, Transcript of Video-taped Deposition of [Officer] Claude Simpkins taken March 31, 2011 (Document 40-6);
- (H) Plaintiffs' Exhibit F, Transcript of Video-taped Deposition of [Officer] Robert Kuech taken March 31, 2011 (Document 40-6);
- (I) Plaintiffs' Exhibit G, Letter dated October 27, 2006 from Michal Bershad, Penn Vending Co., addressed "To whom it may concern:" at "J.B. Web Tavern, 302 W Lincoln, Coatesville, Pa" (Document 40-7);
- (J) Plaintiffs' Exhibit H, Two letters dated March 18, 2009 and August 17, 2009, respectively, from Jane Melchior, Director, Bureau of Licensing, Pennsylvania Liquor Control Board, addressed to "Licensee" at "D Kendo, Inc., 302 W Lincoln Hwy, Coatesville PA 19320-3021" (Document 40-7);
- (K) Plaintiffs' Exhibit I, Letter dated October 1, 2007 from Edward A. Taraskus, Esquire, counsel for D. Kendo, Inc., to Samuel Cohen, Esquire, hearing officer for the Pennsylvania Liquor Control Board (Document 40-8); and
- (L) Plaintiffs' Exhibit J, City of Coatesville, Pennsylvania Building Permit Application and corresponding documents (Document 40-8);

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that the within Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED that the judgment is hereby entered in favor of defendants Officer Robert Kuech, Officer Jefferey J. Ingemie, Officer Shannon N. Miller, and Officer

Claude Simpkins, and The City of Coatesville, Pennsylvania and
against plaintiffs Bongai Mhloyi and Jeremiah Mhloyi.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge